**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**C.R.No. 3323 of 2006**

**Date of decision : 5.12.2006**

Divisional Forest Officer, Sirsa

.....Petitioner.

Versus

Dalip

.....Respondent.

**CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA**

Present : Mr. Amit Kaushik,AAG, Haryana
for the petitioner.

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**VINOD K. SHARMA,J.( ORAL )**

Present revision petition has been filed against the order dated 14.2.2005 passed by the learned Presiding Officer, Labour Court, Hisar striking out the defence of the petitioner for not filing the written statement within 90 days.

In view of the judgment of the Hon'ble Supreme Court in case ***Shaikh Salim Abdul Khayamsab Vs. Kumar and others (2006-1) PLR 284*** the Hon'ble Supreme Court has been pleased to hold that the provisions of Order 8 Rule 1 C.P.C. are not mandatory and, therefore, the impugned order cannot be sustained merely on the ground of non-filing of written statement within the period so fixed.

Accordingly, this revision is allowed. The impugned order is set aside. The petitioner is granted one last opportunity to file the written statement on the date to be fixed by the trial Court. However, this shall be subject to payment of Rs. 2000/- as costs.

5.12.2006 **( VINOD K. SHARMA )**
**'sp'** **JUDGE**